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LETTER DATED 3 JUNE 1999 FROM THE PERMANENT REPRESENTATIVES OF BOSNIA AND HERZEGOVINA, CROATIA, SLOVENIA AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of our respective Governments, we should like to bring to your attention two instances in which the Federal Republic of Yugoslavia (Serbia and Montenegro) inaccurately asserted that it is: (a) a current Member State of the United Nations; and (b) a founding Member State of the United Nations.

More precisely, we refer to two recent letters by the Ambassador of the Federal Republic of Yugoslavia, Mr. Vladislav Jovanović, addressed to the President of the Security Council dated 10 May 1999 (S/1999/546) and 14 May 1999 (S/1999/562). Without commenting on the substance of the other elements of the letters, we should like to draw your attention to paragraph 4 of the former letter, where Ambassador Jovanović alleges that the Federal Republic of Yugoslavia (Serbia and Montenegro) is "a sovereign State Member of the United Nations", and paragraph 5 of the latter letter, where Ambassador Jovanović identifies the Federal Republic of Yugoslavia (Serbia and Montenegro) as "a founding member of the United Nations". Both allegations are inaccurate.

We have repeatedly drawn the attention of the Security Council and the United Nations membership in general to the pertinence of General Assembly resolution 47/1 of 22 September 1992, as well as Security Council resolution 777 (1992). Both of those authoritative resolutions unequivocally stipulated that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not automatically continue the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations. To date, the Federal Republic of Yugoslavia has not complied with the stipulations contained in those resolutions, and has not applied for membership in order to gain admission to the United Nations, and therefore cannot be considered as a Member State of the United Nations.

Furthermore, following its dissolution, the former Socialist Federal Republic of Yugoslavia was replaced by five successor States, none of which continues the legal personality of their common predecessor, which indeed had been a founding member of the United Nations. The Arbitration Commission of the European Union/United Nations Conference on the former Yugoslavia confirmed that

fact in its Opinions 9, 10 and 11, and the United Nations Security Council and General Assembly reconfirmed it in the above-mentioned resolutions.

The Federal Republic of Yugoslavia (Serbia and Montenegro), with its claim that it possesses the same legal personality of the former Socialist Federal Republic of Yugoslavia and that it thereby automatically inherits its membership in international organizations, such as the United Nations, or that it is party to international treaties by virtue of its continuity to the predecessor State, refuses to acknowledge the equal rights and obligations of all States that emerged following the dissolution of the former Socialist Federal Republic of Yugoslavia in respect to succession. It thereby attempts to place the other four successor States in an unequal and discriminated position.

Moreover, it is deplorable that the Federal Republic of Yugoslavia (Serbia and Montenegro) is taking advantage of the interim ad hoc practical arrangement - which allows it to circulate documents in the United Nations as a party to the matters of which the United Nations is seized - and is thereby attempting to create the erroneous impression that it is a Member State of the United Nations. The usage of the same abbreviated name "Yugoslavia", which was used by our common predecessor State, namely, the former Socialist Federal Republic of Yugoslavia, by the Federal Republic of Yugoslavia (Serbia and Montenegro), serves the same purpose. We wish that this letter be understood as our permanent objection to the groundless assertion of the Federal Republic of Yugoslavia (Serbia and Montenegro), which has also been repudiated by the international community, that it represents the continuity of our common predecessor, and thereby continues to enjoy its status in international organizations and treaties.

We kindly request your assistance in circulating the present letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
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Bosnia and Herzegovina

(Signed) Naste ČALOVSKI
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Ambassador
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(Signed) Danilo TÜRK
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